

## IX. Probation and Decertification of *Certified Local Governments*

### A. Probation.

If, in the SHPO's opinion, the *CLG* is not performing to the Standards of the program, the SHPO may place the *CLG* on probation. If SHPO places the *CLG* on probationary status, the SHPO will notify in writing the local Historic Preservation Officer and/or the local chief elected official. SHPO will specify to the *CLG* ways to improve performance and return to good standing. The *CLG* must have a period of not less than thirty (30) nor greater than six (6) months, unless specified otherwise by SHPO, to bring its performance up to a level acceptable by SHPO. The *CLG* must develop a plan, with deadlines, to remove itself from probationary status. The *CLG* and SHPO must work in good faith to return the *CLG* to good standing, unless the *CLG* voluntarily petitions SHPO to be decertified.

If the *CLG* fails the monitoring and evaluation, the *CLG* must be notified and placed on probation. The SHPO may deny funding to a *CLG* on probationary status.

If, after six (6) months, or the period of time stipulated by the SHPO, the SHPO determines that there has not been satisfactory improvement, the SHPO may recommend to the National Park Service the decertification of the local government citing specific reasons for the recommendation.

### B. Decertification.

The SHPO may recommend decertification to the National Park Service after all of the following conditions are met:

1. The SHPO determines that a *CLG*'s performance does not meet the performance standards specified in the federal, state, or local legislation, Historic Preservation Fund Grants Manual, Certification Agreement, Montana Local Historic Preservation Manual, and/or the Performance Standards, **and**
2. The SHPO specifies to the *CLG* in writing ways to improve performance within a reasonable, specified period of time by which deficiencies must be corrected or improvements must be achieved, **and**
3. After the period of time stipulated by the SHPO, the SHPO determines that there has not been sufficient improvement.

The SHPO must notify the *CLG* in writing prior to, or at the same time of, its recommendation to the National Park Service for decertification. The notification must state the specific reasons for the proposed decertification, describe the state's technical assistance efforts, and affirm that the SHPO will notify the *CLG* of the National Park Service concurrence with decertification.



Figure 24. Missoula County Courthouse, Missoula.

The SHPO must offer steps to remedy the *CLG*'s performance level. The *CLG* must have a period of not less than thirty (30) nor greater than one (1) year, unless otherwise specified by SHPO, to bring its performance up to an acceptable level. If, after one (1) year or the period of time stipulated by the SHPO, the SHPO determines that there has not been satisfactory improvement, the SHPO may recommend decertification of the local government to the National Park Service for concurrence, citing specific reasons for the recommendation. The SHPO must notify the *CLG* in writing that the decertification process has begun.

The National Park Service must have thirty (30) days in which to respond to the decertification request. The National Park Service may concur or initiate further discussion. Upon receipt of the written National Park Service concurrence with the SHPO recommendation for decertification, the SHPO must inform the *CLG* in writing of the decertification, and if necessary, must take appropriate action if the decertified local government has a current *CLG* subgrant. The effective date of decertification is upon concurrence of the National Park Service.

If the *CLG* has been delegated review and compliance (Section 106) responsibilities in its jurisdiction by the SHPO, and a Programmatic Agreement has been executed with the Advisory Council on Historic Preservation, then the SHPO must notify the Advisory council that the *CLG* has been decertified.

Failure to perform acceptably under the subgrant is not in itself sufficient grounds for decertification. However, if at any time, gross deficiencies, mismanagement, or negligence of the use of grant funds are discovered, the SHPO will immediately halt any *CLG* reimbursements, contact the *CLG*, and initiate an inquiry. Evidence of gross deficiencies, mismanagement, and/or negligence of grant funds will result in decertification and potential legal action.



Figure 25. Dave's Texaco, Chinook.

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**C. *Certified Local Governments* may appeal SHPO's recommendation to decertify to the National Park Service.**

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The *CLG* may appeal the SHPO decertification recommendation to the National Park Service. The SHPO must notify the *CLG* that the decertification process has begun. The SHPO recommends the *CLG* telephone or email the National Park Service as soon as possible if it intends to dispute the SHPO decertification recommendation. The *CLG* must notify the National Park Service in writing within fourteen (14) business days with information disputing the SHPO's decertification recommendation.

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**D. *Certified Local Governments* may petition the SHPO to be decertified voluntarily and without penalty.**

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The *CLG* may request, in writing, that it no longer be certified and cite its reasons to leave the program. Upon receipt of a voluntary decertification request, the SHPO may recommend decertification to the National Park Service. Compliance with Section X. B. 1-3. is not required, if the *CLG* has requested its own decertification. The Subgrant Agreement outlines the financial responsibilities if the *CLG* has a current subgrant.

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**E. If a *CLG* is decertified, the SHPO will terminate all financial assistance received by the *CLG* from the Historic Preservation Fund allocation.**

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When a local government is decertified, the SHPO will terminate financial assistance following financial assistance close-out procedures as specified in the Historic Preservation Fund Grants Manual, including a closeout review of the *CLG* funds received from the SHPO. The local government may petition SHPO to finish work on an outstanding grant and expend the remaining funds, however approval is at the discretion of SHPO.

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**F. Recertification.**

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If a local government wishes to become recertified, it must reapply for certification as specified in Sections IV. and V. of this document, the Montana Certified Local Government Manual.



*Figure 26. United Bethel AME Church, Great Falls.*